

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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PCT

WRITTEN OPINION

(PCT Rule 66)

Applicant's or agent's file reference 460 1844UPU		Date of Mailing (day/month/year) 03 DEC 1999
International application No. PCT/US99/08668		REPLY DUE within TWO months from the above date of mailing
International filing date (day/month/year) 20 APRIL 1999	Priority date (day/month/year) 20 APRIL 1998	
International Patent Classification (IPC) or both national classification and IPC IPC(6): A61F 13/15; and US Cl.: 604/359		
Applicant PLAYTEX PRODUCTS, INC.		

1. This written opinion is the first (first. etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

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3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 20 AUGUST 2000

Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer MILEY CRAIG PEPPERS, III Telephone No. (703) 305-0841
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I. Basis of the opinion

1. This opinion has been drawn on the basis of *(Substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".)*:

- ☒ the international application as originally filed.
- ☒ the description, pages 1-14 , as originally filed.
pages NONE , filed with the demand.
pages NONE , filed with the letter of _____.
- ☒ the claims, Nos. 1-26 , as originally filed.
Nos. NONE , as amended under Article 19.
Nos. NONE , filed with the demand.
Nos. NONE , filed with the letter of _____.
- ☒ the drawings, sheets/~~fig~~ 1-4 , as originally filed.
sheets/~~fig~~ NONE , filed with the demand.
sheets/~~fig~~ NONE , filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/~~fig~~ NONE

3. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box Additional observations below (Rule 70.2(c)).

4. Additional observations, if necessary:

NONE

WRITTEN OPINION

International application No.

PCT/US99/08668

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

TIME LIMIT:

THE TIME LIMIT SET FOR RESPONSE TO A WRITTEN OPINION MAY NOT BE EXTENDED. 37 CFR 1.484(d). ANY RESPONSE RECEIVED AFTER THE EXPIRATION OF THE TIME LIMIT SET IN THE WRITTEN OPINION WILL NOT BE CONSIDERED IN PREPARING THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT.

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)

Claims 1-26

YES

Claims NONE

NO

Inventive Step (IS)

Claims NONE

YES

Claims 1-26

NO

Industrial Applicability (IA)

Claims 1-26

YES

Claims NONE

NO

2. CITATIONS AND EXPLANATIONS

Claims 1-26 lack an inventive step under PCT Article 33(3) as being obvious over Marcus et al. (4,826,497) in view of Lamensdorf et al. (5,681,475). Marcus et al. disclose a fibrous absorbent article for absorbing body fluids comprising a fibrous material suitable for absorbing the body fluids having a molecular sieve disposed within the fibrous material to absorb odors from the body fluids (column 3 lines 40-51; and column 2 lines 25-30). Marcus et al. do not disclose the molecular sieve having a natural zeolite of the clinoptilolite species with potassium as a primary exchangeable cation. Lamensdorf et al. disclose the natural zeolite, clinoptilolite used in water purification. It would have been obvious to place the compound of Lamensdorf et al. in Marcus et al. to obtain the properties given in the claimed invention.

Claims 2-16, as to the embodiments listed in these claims it is noted that the applicant's specification does not set forth that such structural relationships unexpectedly provide a new result or unexpectedly solve any problem in the art over the structures of Lamensdorf et al., and Marcus et al. As such the selection of these specific elements are considered an obvious matter of design choice, thus barring convincing evidence to the contrary, the language does not patentably distinguish over the applied art.

----- NEW CITATIONS -----

NONE